

EXHIBIT A-2

Braithwaite, Jared J.

From: Braithwaite, Jared J.
Sent: Thursday, June 16, 2022 3:06 PM
To: Josh Redelman; Steely, Rachel Powitzky; Momanaee, Audrey F.
Cc: Ryan, Michael F.; Stuart Lapp; Bret Davis
Subject: RE: NOV v. Garza, et. al - Status of Electronic Storage Devices

Categories: Filed to ND
FilingIndicator: -1

Josh:

On June 7, 2022, Ms. Fuentes wrote to us indicating that the Judge had reviewed Defendants' motion to dissolve the forensic order as well as the emergency nature of that motion. She indicated that, after review of that material, the Judge ruled the electronic devices were to be delivered to defense counsel by 06/10/22 and that Plaintiff will have until 06/10/22 to respond to Defendants' motions, including the motion to dissolve the forensic order. The Court did not provide another date for delivery of electronic devices to CyberEvidence after their delivery to Defendants' counsel.

Plaintiff also did not oppose Defendants' motion to dissolve the forensic order within the time allowed by the Court. Nor do we believe Plaintiff could have provided a reasonable opposition because Plaintiff's original motion for the forensic order and request that the Court enter it *ex parte* was entirely contrary to requirements for such orders set forth in *In re Weekly Homes*.

Defendants have repeatedly offered to cooperate in discovery of the electronic devices, including an offer to participate in information exchanges before the Court's expedited discovery order. We requested search terms and requested that Plaintiff provide its approval of a forensic imaging service in Salt Lake City for prompt imaging of the devices. You have, to-date, provided neither.

Given that **(1)** Plaintiff did not oppose dissolution of the forensic order; **(2)** the Court did not indicate that the devices were to be delivered to CyberEvidence by a certain date after collection by defense counsel; **(3)** Plaintiff's inaction with respect to Defendants offers to provide requested information; and **(4)** the fact that the electronic devices may be needed by Defendants to respond to Plaintiffs' discovery requests and to comply with the Court's expedited discovery order, we do not see how delivery of the electronic devices to CyberEvidence along with the corresponding search protocol could possibly be accomplished in advance of the June 21st hearing.

Sincerely,

Jared J. Braithwaite
Partner

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From: Josh Redelman <jredelman@stibbsco.com>
Sent: Thursday, June 16, 2022 10:52 AM
To: Braithwaite, Jared J. <JBraithwaite@foley.com>; Steely, Rachel Powitzky <rsteely@foley.com>; Momanaee, Audrey

F. <amomanaee@balch.com>

Cc: Ryan, Michael F. <mryan@foley.com>; Stuart Lapp <slapp@stibbsco.com>; Bret Davis <bdavis@stibbsco.com>

Subject: NOV v. Garza, et. al - Status of Electronic Storage Devices

Importance: High

**** EXTERNAL EMAIL MESSAGE ****

Counsel,

CyberEvidence has confirmed they have not received any of the electronic storage devices that are subject to the Court's June 3, 2022, order granting expedited forensic examination. Based on our conversation with Mr. Braithwaite yesterday, I understand some, but not all, of the electronic devices the Court ordered to be turned over to CyberEvidence are in Mr. Braithwaite's office.

Do Defendants intend to provide the electronic storage devices that are subject to the Court's June 3, 2022 order to CyberEvidence prior to the Temporary Injunction hearing on June 21, 2022?

Respectfully,

Josh Redelman

Attorney at Law

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